

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-23924 - APPLICANT: CAYLIX FINE DINING - OWNER:
PK II SAHARA PAVILION NORTH LLC**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04 for a Gaming Establishment General Business-Related.
2. A maximum of five gaming machines will be allowed.
3. Conformance to the conditions for Rezoning (Z-0057-87), Site Development Plan Review [Z-0057-87(1)] if approved.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Gaming Establishment, General Business Related, in conjunction with a Supper Club at 4760 West Sahara Avenue, Suite #13. The Supper Club will occupy a 4,945 square foot space within an existing commercial center. Seating will consist of 150 seats in the dining area and 32 seats in the lounge/bar area. Hours for the Supper Club and lounge will be 11:00 am to 12:00 am, Monday through Wednesday, and 11:00 am to 2:00 am, Thursday through Sunday.

The gaming machines will be located on the bar top within the area designated as the lounge/bar area. In the justification letter the applicant has requested eight gaming machines. Staff recommends approval of this Special Use Permit for a Gaming Establishment, General Business – Related, subject to a condition to allow a maximum of five gaming machines.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>		
08/05/87	The City Council approved a request for Rezoning (Z-0057-87) to C-1 (Limited Commercial) on 38.5 acres of a larger parcel that included the subject property. The Planning Commission and staff recommended approval.	
05/12/88	The Planning Commission approved a Plot Plan Review [Z-0057-87(1)] for a proposed shopping center on the subject property.	
09/27/07	The Planning Commission recommended approval of companion item SUP-23922 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #42/lhm).	
<i>Related Building Permits/Business Licenses</i>		
07/02/90	Café Nicolle Permit 9005786	Electrical
07/24/90	Café Nicolle Permit 90069059	A-Able Lock and Alarm
10/23/91	Café Nicolle Permit 91122884	TI
12/21/06	Out of Business - RO9-00328/Restaurant	Passions(Suite 13)
12/21/06	Out of Business - CO5-98063 /Tobacco Sales	Passions (Suite 13)
08/11/06	Out of Business - CO5-02299/Tobacco	Kiss (Suite 13)
07/17/06	Out of Business - C20-01975/Convention Hall Gaming	Kiss (Suite 13)
07/17/06	Out of Business - GO1-01986/Restricted Gaming	Kiss (Suite 13)
12/29/06	Denied - L16 -00214/Tavern	Kiss (Suite 13)

<i>Pre-Application Meeting</i>	
06/07/07	Staff met with the prospective applicant to discuss the procedural requirements for obtaining a Special Use Permit for Gaming in conjunction with a Supper Club.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
08/23/07	Space for Supper Club is within a building in an existing large commercial shopping center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	29.4

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial/ Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial/ Retail and Residential Condominiums	SC (Service Commercial) M (Medium Density Residential)	C-1 (Limited Commercial) R-3 (Medium Density Residential)
South	Commercial/ Retail in unincorporated Clark County	Unincorporated Clark County	Unincorporated Clark County)
East	Commercial/ Retail Residential Condominiums	SC (Service Commercial) M (Medium Density Residential)	C-1 (Limited Commercial) R-3 (Medium Density Residential)
West	Commercial/ Retail	SC (Service Commercial) GC (General Commercial)	C-1(Limited Commercial) C-2 (General Commercial)

The subject site is designated SC (Service Commercial) on the Southeast Sector Land Use Map of the General Plan. The C-1 (Limited Commercial) zoning on the site conforms to the SC land use designation. A Gaming Establishment, General Business – Related, is permitted as a Special Use in a C-1 (Limited Commercial) zoning district subject to the approval of a Special Use Permit for the primary business of a Supper Club at this location.

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		N/A

The notification radius for this request includes properties under Clark County jurisdiction. The owners of these properties were notified of a public hearing for this item. In addition, because the subject property is within 500 feet of the unincorporated area of Clark County, any Special Use Permit request is deemed to be a Project of Regional Significance. In accordance with City Ordinance No. 5477, an environmental impact assessment questionnaire was submitted with other materials for this application and circulated to the County of Clark for a mandated 15 day period. To date no recommendations for mitigation measures have been received. The Planning Commission is to consider the Environmental Impact Assessment and the proposed mitigation measures prior to making a decision on the proposal.

The proposed Gaming Establishment, General Business – Related, is to be a related business in a proposed Supper Club which will be located in an established commercial center. In the past this space had been occupied by restaurants. Parking facilities within the existing shopping center meet the requirements of the Zoning Code and are adequate to accommodate the proposed uses. No new parking spaces are required or proposed as a result of this project.

ANALYSIS

- **Zoning**

The subject property is presently zoned C-1 (Limited Commercial). A Gaming Establishment General Business – Related, in conjunction with a Supper Club is permitted in a C-1 (Limited Commercial) zoning district subject to the approval of a Special Use Permit.

- **Use**

According to Title 19.04, a Gaming Establishment, General Business – Related, is defined as a building or structure which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. A maximum of five gaming units is allowed within the lounge/bar area.

The proposed Gaming Establishment, General Business – Related, will be located within a proposed Supper Club. Located in an existing 4,945 square foot space in a commercial center the space there is shown to include a 32-seat lounge area with bar, 150-seat dining area, restrooms, full kitchen and storage areas. The primary business will be food service. Conditioned to allow a maximum of five gaming machines, the machines would be provided for restaurant patrons in the bar/lounge area.

- **Conditions**

The maximum number of gaming machines is limited to five.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

This low-intensity use can co-exist with current and proposed surrounding uses without being detrimental to the area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

As the current site has plenty of parking and the proposed use will have a minimal impact on traffic, the site is physically suitable for the General Business-Related Gaming use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site is served by West Sahara Avenue (a 100-foot primary arterial). The addition of the proposed use to the existing site will not render this thoroughfare incapable of handling current and future traffic loads.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will not compromise the public health, safety, or general welfare or be inconsistent with the objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use of a Gaming Establishment General Business-Related, in conjunction with a Supper Club, meets the requirement that the building housing the use is primarily used as a restaurant.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 42

SENATE DISTRICT 11

NOTICES MAILED 616 by City Clerk

APPROVALS 0

PROTESTS 1